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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/447,554	11/23/1999	ZHIGANG FAN	104184	3958

7590

11/18/2002

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EXAMINER

WU, JINGGE

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/447,554

Applicant(s)

FAN ET AL.

Examiner

Jingge Wu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on 25 September 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_                      6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. Applicants' response to the last Office Action, filed September 25, 2002 has been entered and made of record.
2. In view of the Applicant amendments, the objection (claim 11) is expressly withdrawn.
3. Applicants' amendment has required new grounds of rejection. New grounds rejection are therefore presented in the Office Action.
4. Applicant's arguments have been fully considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
6. Claims 1-5, 7-8, 10, 11-15, 17-18, 20-22 are rejected under 35 U.S.C. 103 (a) as unpatentable over US 6011868 to Christian et al. ( a reference of record) in view of US 6064324 to Shimizu et al. or US 5434623 to Coleman et al.

As to claim 1, Christian discloses a method for processing decompressed image data, comprising:

receiving decompressed image data (Fig. 8);

creating an estimated quantization table from the received decompressed image data (col. 12 line 36-col. 13, line 42, note that modifying a quantization table to a new one can be viewed as creating an Q table);

processing the decompressed image data based on the determined estimated quantization table to form processed electronic image data (col. 12 line 36-col. 13, line 42).

Christian does not mention creating a quantization table without transmitting the quantization table used in the compression process, which is well known in the art.

Shimizu, in an analogous environment, discloses a decoding method and apparatus to create an quantization width without transmitting information on quantization width (title, abstract).

In addition, Coleman, in an analogous environment, discloses a decoding method and apparatus create an quantization factors without transmitting information on quantization factor (col. 12, lines 10-15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the schemes of Shimizu or Coleman in the method of Christian in order to improve the compression speed, quality, and the efficiency of the method (Shimizu, col. 1 lines 50-67, Coleman, col. 4 lines 18-67).

As to claim 2, Christian further discloses processing the decompressed image data without using the created quantization table (col. 6 lines 40-62, note that the quality analyzer is selectable by the user)

As to claims 3-5, Christian further discloses the estimated quantization table comprises creating the estimated quantization table based on at least one maximum likelihood estimation based on a Gaussian distribution(col. 12 line 36-col. 13, line 42).

As to claim 7, Christian further discloses creating the estimated quantization table further comprises generating transformed image data from the decompressed image data using a discrete cosine transform (Fig. 8, col. 12 lines 19-67).

As to claim 8, Christian further discloses generating a histogram from the transformed image data (col. 13, lines 1-20).

As to claim 10, Christian further discloses creating the estimated quantization table further comprises rounding each DCT coefficient of the transformed image data (col. 12 line 36-col. 13 line 20, note that quantization is inherently rounding).

Claims 11-15, 17-18, and 20 are the corresponding system claims to claims 1-6, 7-8 and 10 respectively. The discussions are addressed with regard to claims 1-6, 7-8 and 10.

As to claims 21-22, the elements are discussed with regard to claim 1.

7. Claims 9 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian, Shimizu, and Coleman, further in view of the article "Statistical analysis

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of the DCT coefficients and their quantization error" to Yovanof et al (a reference of record).

As the claims 9 and 19, Christian does not explicitly mention the using three levels to determine the quantization table.

Yovanof, in an analogous environment, discloses identifying a level of a main lobe of the histogram having a highest peak and two adjacent levels of the histogram adjacent to the identified level (Fig. 4); and

determining the quantization table based only on the identified and adjacent levels of the histogram (Figs. 3-4, page 602-603).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the scheme of Yovanof in the method of Christian in order to improve the modeling of error incurred during the quantization of the DCT coefficient and the quality of the images (Yovanof, page 601-602 section 1).

8. Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christian, Shimizu, and Coleman, further in view of US 5150433 to Daly (a reference of record).

As to claims 6 and 16, Christian does not explicitly mention detecting the uniform area of a block.

Daly, in an analogous environment, discloses the steps of:

determining, for each block, if that block has one of truncated image data values or uniform image data values ( col. 2, col. 4 line 60-col. 5 line 8); and

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excluding (bypassing) any block having at least one of truncated (uniform) image data values (col. 4 line 60-col. 5 line 51).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include the scheme of Daly in the method of Christian in order to improve the quality of the images (Daly, col.1 lines 14-61).

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### **Contact Information**

10. Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be

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reached Monday through Thursday from 8:00 am to 5:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

